

IN the District Court of the United States
For the Middle District of Alabama
Northern Division

SAMUEL R. GARDNER II, No. 107989,
Plaintiff

VS.

LEON FORNISS, ET AL.,

Defendants

2008 JAN 28 A 9:10

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

Civil Action No:

2:07-CV-1063-WKW

Motion For Leave To Submit Motion To Tax, for cause.

Comes now SAMUEL R. GARDNER, moving pro se, in abovestyled cause
AND respectfully moves this Hon. Court for leave to submit attached
Motion To Tax, for cause.

DONE, this 25th day of JAN., 2008.

Respectfully submitted,

Samuel R. Gardner

SAMUEL R. GARDNER II, #107989

ADDC STATION

STATION CORRECTIONAL FACILITY

P.O. Box 56

ELMORE, AL 36025

Certificate of Service

I, SAMUEL R. GARDNER, hereby certify I HAVE SERVED A COPY OF ABOVE ON:
Hon. Messrs. Kim T. THOMAS, Esq. AND ALBERT S. BUTLER, Esq., Office of
Attorney General, 11 So. Union St., Montgomery, AL 36130-0152; AND ON
Alabama Dept. of Corrections, Legal Division, 301 So. Ripley St.,
P.O. Box 301501, Montgomery, AL 36130-1501 by placing the two
SEPARATE ENVELOPES, postage prepaid, in the prison mail box ON ABOVE DATE.

Attest: Samuel R. Gardner

SAMUEL R. GARDNER, pro se
(ABOVE ADDRESS)

IN the District Court of the United States
For the Middle District of Alabama
Northern Division

SAMUEL R. GARDNER II, No. 107989,

Plaintiff A 9:10

VS.

LEON FORNISS, ET AL.,
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.
defendants

Civil Action No.:

2:07-CV-1063-WKW

MOTION TO TAX FILING FEE AND COURT COSTS, FOR CAUSE.

Comes now SAMUEL R. GARDNER, MOVANT PRO SE, and respectfully moves this Hon. Court, as follows:

- (1) WHEREAS plaintiff sought transportation to local VETERANS Administration Hospital; and
- (2) WHEREAS it is UNCONTESTED FACT in this CAUSE that defendant(s) routinely provide transportation for prisoners to hospitals as far removed as Birmingham [and even to a Medical Facility in the State of South Carolina (on contract)]; and
- (3) WHEREAS plaintiff was informed by defendant(s) that he would only be transported to the local VETERANS Hospital by way of Court Order (thus necessitating this Court Action); and Exhibit A, original pleading, is probative of this fact; and
- (4) Noting that plaintiff sought neither compensatory nor punitive damages in this cause;

Accordingly, plaintiff respectfully moves this Hon. Court to tax plaintiff's filing fee and Court costs against defendant(s); or-- in the ALTERNATIVE-- to WAIVE filing fee and Court costs under this PARTICULAR set of circumstances.

DONE, this 25th day of JAN., 2008.

Respectfully submitted,
Samuel R. Gardner

SAMUEL R. GARDNER II, #107989
ADDC STATON
STATON CORRECTIONAL FACILITY
P.O. Box 56
ELMORE, AL 36025

CERTIFICATE OF SERVICE

I, SAMUEL R. GARDNER, hereby certify I HAVE SERVED A COPY
OF ABOVE ON: HON. MESSRS. Kim T. THOMAS, ESQ., AND HON. ALBERT
S. BUTLER (BUTL 1227), ESQ., Office of ATTORNEY GENERAL,
11 So. UNION St., MONTGOMERY, AL 36130-0152; AND ON ALABAMA
DEPT. OF CORRECTIONS - LEGAL DIVISION,* 301 So. Ripley St.,
P.O. Box 301501, MONTGOMERY, AL 36130-1501, by placing the
two (2) SEPARATE ENVELOPES, postage prepaid, in the PRISON
MAIL BOX ON ABOVE DATE, (PAGE ONE).

*Their phone: (334) 353-3885.

Attest: Samuel R. Gardner
SAMUEL R. GARDNER, PRO SE.
(ADDRESS AS ON PAGE TWO, AT TOP)

Samuel R. Gardner, II, #107989
ADOC Staton
Staton Correctional Facility
P.O. Box 56
Elmore, AL 36025

MONTGOMERY AL 361

25 JAN 2008 PM 2 T



Office of the Clerk
United States District Court
P.O. Box 711
Montgomery, AL

36101-0711

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